

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DEUTSCHE BANK NATIONAL TRUST)
COMPANY,)
)
Plaintiff,)
)
v.) NO. 3:11-0763
) Judge Sharp/Bryant
SHONN TERRACE TIBBS, et al.,)
)
Defendants.)

TO: The Honorable Kevin H. Sharp

REPORT AND RECOMMENDATION

Plaintiff has filed its motion to strike the answer of defendant Wiseco (Docket Entry No. 39) on the ground that this answer was filed by the defendant corporation's president, who apparently is not a licensed attorney, in violation of Local Rule 83.01(d)(3). For the reasons stated below, the undersigned Magistrate Judge recommends that plaintiff's motion be granted and the answer of defendant Wiseco stricken from the record.

Local Rule 83.01(d)(3) states as follows:

All corporations chartered to do business as profit or nonprofit organizations must be represented by an attorney, duly admitted or authorized to practice before this Court. Except by leave of Court, the Clerk of the Court will not accept the filing of pleadings by such corporations unless such organizations are represented by counsel.

The United States Supreme Court has held that corporations, partnerships and associations may appear in federal court only through licensed attorneys. Rowland v. Calif. Men's Colony, 506 U.S. 194, 201-02 (1993).

It appears from the record that defendant Wiseco is, or was, a corporation and that its answer was signed only by Tymekkia Clemons, as "President." (Docket Entry No. 13).

Since there is no indication that Ms. Clemons is a licensed attorney, the undersigned Magistrate Judge finds from the record that the answer of defendant Wiseco has been filed in violation of the local rule and Supreme Court precedent requiring that corporations be represented by attorneys in federal court. Therefore, the undersigned Magistrate Judge finds that plaintiff's motion to strike should be granted, and that defendant Wiseco's answer should be stricken from the record.

RECOMMENDATION

For the reasons stated above, the undersigned Magistrate Judge **RECOMMENDS** that plaintiff's motion to strike the answer of defendant Wiseco be **GRANTED**, and that this defendant's answer be **STRICKEN** from the record.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days from service of this Report and Recommendation in which to file any written objections to this Recommendation, with the District Court. Any party opposing said objections shall have fourteen (14) days from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within fourteen (14) days of receipt of this Report and Recommendation can

constitute a waiver of further appeal of this Recommendation.
Thomas v. Arn, 474 U.S. 140 (1985), reh'q denied, 474 U.S. 1111
(1986).

ENTERED this 19th day of March 2012.

s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge